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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,587	01/31/2006	Roger Payassis	13580/I	7197
23838 7590 02/21/2008 KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005				
EXAMINER				
HWU, DAVIS D				
ART UNIT		PAPER NUMBER		
3752				
MAIL DATE		DELIVERY MODE		
02/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,587

Applicant(s)

PAYASSIS, ROGER

Examiner

Davis D. Hwu

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 1/31/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell, Sr.

McConnell, Sr. discloses a fire fighting aircraft including in the fuselage a reservoir 28 of fire fighting liquid which includes a launcher 12 and a restriction plate 34 in the reservoir being vertically mobile so that it always restricts the quantity of fire fighting liquid inside the reservoir as recited. Having more than one reservoir would have been a matter of design choice since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art and placing the launcher in the front of a lower deck would also have been a matter of design choice since such a modification would have involved a mere change in the position of a device which is also recognized as being within the level of ordinary skill in the art since the same function will still be carried out. The arrangement can also be used in a helicopter.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell, Sr. in view of Tomlinson.

Tomlinson teaches a fire fighting helicopter comprising a cockpit and a space 20 to receive an operator who operates a launcher 18 of fire fighting liquid. It would have

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been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of McConnell, Sr. by providing a space to the helicopter to hold an operator as taught by Tomlinson. Placing the space below the cockpit would have been a matter of design choice since it involves a mere change in the position of a device since such a modification would still carry out the intended function. The size of the space would also have been a matter of design choice since changes of a size of a component is generally recognized as being within the level of ordinary skill in the art.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell, Sr. in view of Teichelman.

Teichelman teaches a means of raising or lowering a platform 34 using a screw 32 driven by a motor 31. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of McConnell, Sr. by providing two vertical screws to shift the plate as has been taught by Teichelman. The use of two screws would have been a matter of design choice since duplication of parts is generally recognized as being within the level of ordinary skill in the art.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell, Sr. in view of Tomlinson and in further view of Teichelman.

Teichelman teaches a means of raising or lowering a platform 34 using a screw 32 driven by a motor 31. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of McConnell, Sr. and Tomlinson by providing two vertical screws to shift the plate as has been taught by Teichelman. The use of two screws would have been a matter of design choice since

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duplication of parts is generally recognized as being within the level of ordinary skill in the art.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Davis D Hwu/
Primary Examiner, Art Unit 3752